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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,891	08/20/2003	Steven M.H. Wallman	1061/6	6367
MICHAEL P. FORTKORT PC 13164 Lazy Glen Lane Oak Hill, VA 20171				
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EXAMINER				
LOFTUS, ANNE				
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09/29/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,891

Applicant(s)

WALLMAN, STEVEN M.H.

Examiner

ANN LOFTUS

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 28-34 and 55-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 28-34 and 55-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to an amendment filed on 1/19/10. Claims 1-7, 28-34 and 55-60 are pending. Claims 8-27 and 35-54 are cancelled.
2. The application was filed on 8/20/03 with provisional dated 8/20/02.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. The amendments change limitations covered by the base reference. The base reference is now Wong.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, 7, 28-30, 33, 34 and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003 0028468 filed 5/4/2001 by Wong et al. in view of US Patent Application 2001/0042036 filed by 1/25/2001 by Sanders.

As to claims 1, 7, 28, 34 and 55, Wong discloses in the abstract a computerized method for creating a portfolio of a plurality of assets/rights and liabilities having a user specifiable risk/reward value for the portfolio. Wong discloses a portfolio having a predetermined asset allocation ratio of a plurality of assets/rights/liabilities in paragraph 2 page 1, and the table on page 4 (100% HSBC). Wong discloses in paragraphs 12-13 page 2 and line C of the table on page 4 determining an amount of a desired portfolio that must be purchased on margin so that a risk reward value of a resulting portfolio matches a user specified risk/reward value for the desired portfolio. Wong discloses purchasing the determined amount of the desired portfolio on margin in the abstract.

Wong does not teach using an interface to a computerized trading system. Sanders discloses this in Fig 6. It would have been obvious to a person of ordinary skill in the art at the time of the interface to modify Wong to add an interface to a computerized trading system in order to quickly and accurately implement trading decisions.

Wong discloses computing values in paragraph 30-33, but does not teach using a computer. Sanders discloses using a computer in paragraph 23. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Wong to add using a computer because computers are fast and accurate at computing values.

As to claims 7, 34, and 55, Wong discloses providing a description of a predetermined portfolio of a plurality of assets, rights or liabilities to a user via a user interface on a computer in paragraph 1 page 1. Wong discloses receiving a user

specified risk/reward value for the portfolio from the user in the abstract. Wong discloses in paragraph 15 page 3 receiving a user's investment funds (settlement). An investment by definition receives user funds.

Further as to claim 55, Wong discloses in the table on page 4 comparing the desired risk/reward value obtained previously with the predetermined risk/reward value of the predetermined portfolio (HSBC). Wong discloses in paragraph 11 page 2 if the desired risk/reward value is higher than the predetermined risk/reward value, then determining an amount of the predetermined portfolio that must be purchased on margin so that a resulting portfolio matches the desired risk/reward value.

As to claim 56, Wong discloses in paragraph 11 page 2 if the desired risk/reward value is lower than the predetermined risk reward value, then determining with a computer an amount of a predetermined low risk investment that must be purchased in combination with the portfolio so that a resulting portfolio matches the desired risk/reward value and then purchasing the determined amount of the predetermined low risk investment in combination with the predetermined amount of the predetermined portfolio using an interface to a computerized trading system.

As to claims 2, 29, and 57, Wong does not disclose but Sanders does disclose selecting by a user using a user interface (the retail customer interface) a risk/reward characteristic (share multiple) of a desired portfolio of a plurality of assets/rights/liabilities in paragraph 16. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Wong to add this feature in order to facilitate data entry and rapid accurate transmission of user desires.

As to claims 3, 30, and 58 Wong discloses interacting with a graphical user interface (website) in paragraph 1 page 1.

As to claims 6, and 33, Wong does not disclose, but Sanders teaches entering a numerical value (see at least Figure 5, "customer picks a leverage factor between 5 and 20" and paragraph 93). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Wong to add this feature in order to facilitate data entry and rapid accurate transmission of user desires.

6. Claim 4, 31, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view Sanders as applied above, and further in view of US 5,754,873 filed 6/1/95 by Nolan.

Wong does not specifically disclose a *slider bar*. However, Nolan discloses a graphical user interface for scaling a block of text which "scaling preference can be selected using a graphical control, such as a slider bar or dial" (see Column 9, Lines 58-67). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the slider bar interface element of Nolan into the investment system and method of Wong in order to provide improved usability.

7. Claims 5, 32 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Sanders as applied above, and further in view of US 2001/0053944 filed 3/29/2001 by Marks et al.

As to claims 5 and 32 and 60, Wong does not specifically disclose an *arrow on a dial*. However, Marks discloses a graphical user interface for navigating internet audio which includes dials with arrows on them (see at least Figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the dials with arrows interface elements of Marks into the combination of Wong Sanders in order to provide improved usability.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANN LOFTUS whose telephone number is (571)272-7342. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alex can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691